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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,566	09/30/2003	Gordon Y. Li	81373818US01-02CXT0070D	9980
65913	7550	02/19/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HOSSAIN, TANIM M	
			ART UNIT 2445	PAPER NUMBER
			NOTIFICATION DATE 02/19/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/675,566

**Applicant(s)**

LI ET AL.

**Examiner**

Tanim Hossain

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks (U.S. 2001/0039600)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Brooks teaches a cable modem system comprising: a data networking engine that performs data networking functions (Abstract; paragraphs 0013-0016); and a cable modem engine that performs all other cable modem functions (Abstract; paragraphs 0013-0016); the cable modem engine being completely partitioned from the data networking engine (Abstract; paragraphs 0013-0016).

As per claim 2, Brooks teaches a cable modem system as claimed in claim 1, wherein all DOCSIS functions are localized in the cable modem engine (0024-0026).

As per claim 3, Brooks teaches a cable modem system as claimed in claim 2, wherein VoIP functionality is embedded in the cable modem engine (0024-0026).

As per claim 4, Brooks teaches a cable modem system as claimed in claim 1, and further comprising an advanced crypto engine that performs all crypto functions (0013).

As per claim 5, Brooks teaches a cable modem system as claimed in claim 1, wherein the cable modem engine comprises: a DOCSIS PHY layer (0024-0026); a DOCSIS MAC processor (0024-0026); and a DOCSIS controller (0024-0026).

As per claim 6, Brooks teaches a cable modem system as claimed in claim 5, wherein the DOCSIS PHY layer comprises a hardware transmitter and receiver (0024-0026).

As per claim 7, Brooks teaches a cable modem system as claimed in claim 5, wherein the DOCSIS MAC processor processes downstream PDU packets and forwards the processed packets directly to the data networking engine without the involvement of the DOCSIS controller in order to boost downstream throughput (0024-0026).

As per claim 8, Brooks teaches a cable modem system as claimed in claim 5, wherein all VoIP functionality is implemented in the DOCSIS controller (0024-0026).

As per claim 9, Brooks teaches a cable modem system as claimed in claim 8, wherein the VoIP functionality is in conformance with the PacketCable specification (0024-0026).

As per claim 10, Brooks teaches a cable modem system as claimed in claim 5, wherein the data networking engine is responsible for all data networking processing including advanced

multi-port bridging/routing with NAT/firewall and VPN, and home networking applications (0024-0026).

As per claim 11, Brooks teaches a cable modem system as claimed in claim 10, wherein the data networking engine comprises the entire embedded portal services functionality of the CableHome specification (0024-0026).

As per claim 12, Brooks teaches a cable modem architecture comprising: a cable modem engine comprising: a DOCSIS PHY layer comprising a transmitter and receiver (0024-0026); a DOCSIS MAC processor that implements real-time critical MAC functions for both upstream and downstream communications (0024-0026); and a DOCSIS controller implementing VoIP functionality (0024-0026); and a data networking engine implementing all data networking processing and home networking applications, wherein the data networking engine is completely decoupled from the cable modem engine (0024-0026).

As per claim 13, Brooks teaches a cable modem architecture as claimed in claim 12, wherein the DOCSIS controller provides VoIP functionality in accordance with the PacketCable specification, and wherein the data networking engine provides the embedded portal services functionality of the CableHome specification, wherein the CableHome functionality is provided by the data networking engine is completely decoupled from the PacketCable and DOCSIS functionality provided by the cable modem engine (0013-0016, 0024-0026).

As per claim 14, Brooks teaches a cable modem architecture as claimed in claim 13, wherein the DOCSIS MAC processor is an ARM9TDMI-based RISC processor, and wherein the DOCSIS controller is an ARM940-based RISC processor (0013-0016, 0024-0026).

As per claim 15, Brooks teaches a method for providing a flexible and partitioned cable modem gateway comprising: providing data and home networking functionality in a data networking engine; providing DOCSIS and VoIP functionality in a cable modem engine (0013-0016, 0024-0026); and partitioning the data networking engine from the cable modem engine so that the data and home networking functionality is completely decoupled from the DOCSIS and VoIP functionality (0013-0016, 0024-0026).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571/272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain  
Patent Examiner  
Art Unit 2445

/Larry D Donaghue/  
Primary Examiner, Art Unit 2454